

# **EXHIBIT 2**

## KIRKLAND & ELLIS LLP

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October 23, 2015

The Honorable Jesse M. Furman  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *In re: General Motors LLC Ignition Switch Litigation,***  
14-MD-2543 (JMF)

Dear Judge Furman:

Pursuant to this Court's Order No. 8 § V, Lead and Liaison Counsel and counsel for General Motors LLC ("New GM") submit this joint written update to advise the Court of matters of possible significance in proceedings related to MDL 2543.

First, on October 9, 2015, the Honorable Felicia Corbin Johnson heard oral argument on plaintiff's motion to compel production of the Valukas Report in *Davidson v. Gen. Motors LLC, et al.*, No. CT-003414-14 (Shelby County, Tenn.), a Category III<sup>1</sup> wrongful death action alleging driver's seat defects in a 2012 Chevrolet Malibu. (*See* Doc. Nos. 1406, 1468.) At the hearing, plaintiff withdrew her request for documents underlying the Report, and the court indicated that it would grant plaintiff's request to order production of the redacted Valukas Report in the *Davidson* action. The Court has not yet issued an order on the hearing. On October 16, 2015, New GM filed a motion to quash plaintiff's cross-notice for the deposition of New GM CEO Mary Barra. A copy of New GM's motion is attached hereto as Exhibit 1. Additionally, plaintiff has noticed depositions of two New GM employees—including MDL deponent Al Manzor. A copy of plaintiff's notice is attached hereto as Exhibit 2. New GM intends shortly to file a motion for protective order quashing plaintiff's notice.

Second, on October 9, 2015, the Honorable Robert Schaffer entered an order granting the plaintiff steering committee's motion to allocate attorney fees in the Texas MDL, No. 2014-51871 (Harris County, Tex.). On October 15, 2015, the parties submitted letters identifying their

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<sup>1</sup> *See* Order No. 16, Doc. No. 316 (defining Category III actions as "'unrelated' actions seeking ignition switch-related discovery").

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respective bellwether plaintiff selections. A copy of the Texas MDL court's order and the parties' letters are attached hereto as Exhibits 3-5, respectively.

Third, on October 13, 2015, plaintiffs filed a notice of appeal in California state court regarding the court's dismissal of certain plaintiffs on *forum non conveniens* grounds in *Mullin, et al. v. Gen. Motors LLC, et al.*, No. 2:15-cv-07668 (C.D. Cal.), a wrongful death and personal injury action alleging ignition switch defects in multiple accidents, which was a subject of the parties' September 11, 2015 joint letter to the Court. (*See* Doc. No. 1360.) Also on October 13, 2015, plaintiffs filed a motion to vacate the JPML's order conditionally transferring *Mullin* to MDL 2543. Copies of plaintiffs' notice and motion to vacate are attached hereto as Exhibits 6-7, respectively. On October 19, 2015, plaintiffs filed a motion to remand the action to state court. A copy of plaintiffs' motion is attached hereto as Exhibit 8. New GM intends to oppose plaintiffs' appeal and motions.

Fourth, on October 15, 2015, an order was entered requiring the parties to submit a joint motion regarding the MDL 2543 Coordination Order ("Coordination Order") in *Jarvis, et al. v. Gen. Motors LLC, et al.*, No. 15-003241-NP (Macomb County, Mich.), a personal injury action alleging a key rotation defect in a 2009 Chevrolet Impala. A copy of the order is attached hereto as Exhibit 9. The parties' joint motion is due Thursday, October 29, 2015.

Fifth, on October 19, 2015, the Honorable John Garhart heard oral argument on, *inter alia*, New GM's motion for entry of the Coordination Order and motion to quash plaintiffs' praecipe for arbitration in *Brochey, et al. v. Gen. Motors LLC, et al.*, No. 11813-15 (Erie County, Pa.), an individual economic loss action alleging an ignition key defect in a 2011 Chevrolet Camaro. Judge Garhart took New GM's motions under advisement.

Sixth, the following filings were made and orders entered with respect to the Bankruptcy Court proceedings since the parties' October 8, 2015 joint letter to the Court (*see* Doc. No. 1468):

- October 8, 2015: New GM filed a letter with the Bankruptcy Court advising it of proceedings in this Court and the Second Circuit related to the bankruptcy proceedings.
- October 9, 2015: The States of Arizona and California filed a joint response to New GM's September 25, 2015 letter brief identifying claims and allegations barred by the Sale Order in the State Complaints. The ISD and Non-ISD Plaintiffs filed a response to New GM's September 25, 2015 letter brief identifying claims and allegations barred by the Sale Order in the Second Amended Consolidated Complaint.

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- October 13, 2015: New GM filed a notice setting forth the agenda for the October 14, 2015 hearing in the Bankruptcy Court pursuant to that Court's August 19, 2015 case management order.
- October 14, 2015: The Bankruptcy Court entered a Decision and Order regarding plaintiffs' request for stay of GUC Trust distributions pending appeal of the Bankruptcy Court's April 15, 2015 Decision, and June 1, 2015 Judgment.
- October 15, 2015: The Bankruptcy Court entered an Errata Order concerning its October 14, 2015 Decision and Order regarding stay of GUC Trust distributions.
- October 19, 2015: The Bankruptcy Court entered an Endorsed Order setting a briefing schedule for New GM's identification of claims and allegations barred by the Sale Order in the *Bledsoe*, *Elliott*, and *Sesay* complaints.
- October 20, 2015: The Bankruptcy Court entered an Errata Order concerning its July 22, 2015 Decision regarding motions filed by the *Bledsoe* plaintiffs. The GUC Trust filed a Notice of Settlement of Order concerning the Bankruptcy Court's October 14, 2015 Decision and Order regarding stay of GUC Trust distributions.

Copies of the foregoing documents are attached hereto as Exhibits 10–18, respectively.

Seventh, pursuant to Order No. 1 § X.8, the Defendants' July 21, 2014 Status Letter (Doc. No. 73) included an Exhibit A listing cases consolidated to date in MDL 2543, as well as an Exhibit B listing related cases pending in state and federal court, together with their current status. For the Court's convenience, updated versions of Exhibits A and B are attached hereto as Exhibit 19.

Finally, the parties continue to work to ensure that the Court is provided with current and correct contact information for presiding judges in actions listed in the aforementioned Exhibit B. To that end, the Federal/State Liaison Counsel will submit shortly to the Court updates to the e-mail addresses of the presiding judges in Related Actions.

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Respectfully submitted,

/s/ Richard C. Godfrey, P.C.

/s/ Andrew B. Bloomer, P.C.

*Counsel for Defendant General Motors LLC*

cc: The Honorable Robert E. Gerber  
MDL Counsel of Record